

### **REMARKS**

Claims 1 – 9, 11, 18, 21, 25 and 35 – 49 are now pending in the application. Claims 1, 3, 4, 5, 11, 21 and 25 have been amended to improve the clarity of the claim language. Claims 10, 12 – 17, 19, 20, 22, 23, 24 and 26 – 34 have been canceled without prejudice to or disclaimer of the subject matter contained therein. New Claims 35 – 49 have been added. Support for the new and amended claims can be found throughout the application as originally filed and, therefore, no new matter has been added. The Examiner is respectfully requested to reconsider and withdraw the following rejections in view of the remarks below.

### **CONTACT WITH EXAMINER**

Applicant thanks the Examiner for courtesies extended during the multiple telephonic conversations on March 13, 14 and 16, 2006. Claims 1 and 21 and the Moreira reference were discussed but no agreement was reached.

### **REJECTION UNDER 35 U.S.C. § § 102 AND 103**

Claims 1 – 9 and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Moreira (U.S. Pat. No. 2,243,717, Moreira). Claims 11 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreira in view of Gotfried (U.S. Pat. No. 5,429,641, Gotfried). These rejections are respectfully traversed.

Claims 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreira in view of Moran (U.S. Pat. No. 5,697,935) however, Claims 19 and 20

have been cancelled thus respectfully rendering this rejection moot.

*Claims 1 – 9, 11, 18, 21 and 25*

Applicant has amended Claim 1 to define a clasp device connected to the cannulated follower member, wherein the clasp device engages the guide wire and wherein the cannulated follower member moves away from the cannulated driver member at an extraction rate in response to rotation of the cannulated driver member.

Applicant has amended Claim 21 to define a clasp device connected to the cannulated driver member, the clasp device operable to engage the guide wire and operable to translate away from the cannulated driver member in response to rotation of the cannulated driver member.

As best understood by Applicant, Moreira discloses a two-piece wrench to insert a bone screw into a femur to treat a femoral fracture. The two pieces include an outer wrench that is internally threaded and accepts the external threads of an inner wrench. The outer wrench can be threaded over a portion of the inner wrench to hold a head of the bone screw between two cooperating portions of the inner and the outer wrench. When the bone screw is secured between the cooperating portions of the inner and the outer wrench, there is no relative motion between the bone screw and the wrench and the whole assembly can be rotated to insert the bone screw. By loosening one of the cooperating inner and outer wrenches, the wrench can release the bone screw.

While Moreira appears to disclose a Kirschner wire or a guide wire, there appears to be no disclosure in Moreira that pertains to the outer wrench, the inner wrench, or the bone screw clasp device during any procedure. The

Kirschner wire disclosed in Moreira appears to serve only as a guide for a drill, the bone screw and the wrench, and none of the wrench, the drill and the bone screw clasps the Kirschner wire. Moreover, no part of the wrench disclosed in Moreira moves away from any other part of the wrench when the wrench is inserting the bone screw.

Applicant respectfully submits that Moreira is devoid of any teaching or suggestion of any clasp device that moves the guide wire or anything else away from the cannulated driver member. The only clasp of anything that appears to be taught or suggested by Moreira is the capturing of the bone screw hex-head between the two wrench portions when the wrench portions are tightened together to grasp the bone screw.

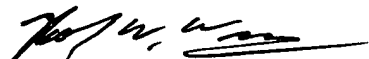
For at least the above reasons, Moreira fails to anticipate the invention as claimed in Claims 1 and 21. Claims 2 – 9, 11, 18 and 25 are dependent upon Claims 1 and 21. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the outstanding rejections of Claims 1 – 9, 11, 18, 21 and 25. Claims 35 – 49 further define the invention and are allowable for at least the reasons set forth above.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is always invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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